

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

NELIDA NARVAEZ,

Plaintiff,

vs.

**NANCY A. BERRYHILL, Commissioner
of Social Security;**

Defendant.

4:17CV3098

ORDER

This matter is before the Court on the Joint Motion to Change Venue, ECF No. 10, filed by the parties.

The Complaint, ECF No. 1, states that Narvaez is a resident of Lincoln, Nebraska. However, the Motion to Change Venue represents that Narvaez actually resides in New Bedford, Massachusetts. Under 42 U.S.C. § 405(g), judicial reviews of final decisions by the Commissioner of Social Security must be filed in the “judicial district in which the plaintiff resides.” Thus, venue is improper in the District of Nebraska. Under 28 U.S.C. § 1406(a), “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.”

The parties move the Court to transfer venue to the District of Massachusetts. Motion to Change Venue ¶ 7, ECF No. 10, Page ID 24. The Court finds that venue is proper in the District of Massachusetts, under 42 U.S.C. § 405(g), and that transfer is in the interest of justice, under 28 U.S.C. § 1406(a). The Court will grant the Motion to

Change Venue, ECF No. 10, and transfer the case to the District of Massachusetts.

Accordingly,

IT IS ORDERED:

1. The Joint Motion to Change Venue, ECF No. 10, filed by the parties, is granted; and
2. The above-captioned action is transferred to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C. § 1406(a).

Dated this 28th day of December, 2017.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge